

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

<p>Applicant's or agent's file reference see form PCT/ISA/220</p>		<p>Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)</p>	
<p>International application No. PCT/JP2005/010441</p>		<p>International filing date (day/month/year) 01.06.2005</p>	
<p>International Patent Classification (IPC) or both national classification and IPC H04N5/76, G11B27/32</p>			
<p>Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.</p>			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p> <p> European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016</p>	<p>Authorized Officer</p> <p>Braga, J</p> <p>Telephone No. +31 70 340-3866</p>
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Box No. I Basis of the opinion

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1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - in written format
    - in computer readable form
  - c. time of filing/furnishing:
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

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1.  The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2.  This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/JP2005/010441

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-13
Inventive step (IS)	Yes: Claims	
	No: Claims	1-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VI Certain documents cited**

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**1. Certain published documents (Rules 43bis.1 and 70.10)**

**and / or**

**2. Non-written disclosures (Rules 43bis.1 and 70.9)**

**see form 210**

**Re Item II.**

1 The claimed priority, as stated in the Paris Convention Article 4 paragraph c)(4), of the subject-matter of claims **1 to 6 and 8 to 13** is considered not to be valid (Article 8 (2)(a) PCT). The application WO 2004/066635 published on the 2004-08-05 validly claims the priority of the Japanese Application PCT/JP2003/015454 filled on 2003-01-17, which is therefore considered to be the first filling date of the now claimed subject-matter. Therefore the relevant date, of the present application, according to Rule 64.1 PCT is considered to be its filling date and not that of the claimed priority.

**Re Item V.**

1 Reference is made to the following documents:

D1: US 2005/147375 A1 (KADONO, SHINYA) 7 July 2005 (2005-07-07)

D2 : US 2004/008790 A1 (RODRIGUEZ ARTURO A) 15 January 2004 (2004-01-15)

Although D1, published on 07-07-2005 does not belong to the state of the art as defined in Rule 64.1 PCT, it claims the same priority as WO 2004/066635 which was published on 2004-08-05. Its contents will therefore be considered as reflecting the disclosure of WO 2004/066635 for the purpose of assessing the novelty and inventive step of the claimed invention.

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1 is not new** in the sense of Article 33(2) PCT.

Document **D1 discloses** (the references in parentheses applying to this document):

A picture coding apparatus which codes pictures on a picture-by-picture basis ([0031]),

and generates a random access unit as a part of a stream ([0021]), the random access unit including the coded pictures, said apparatus comprising:

a coding unit (fig. 7, (109)) operable to generate pieces of coded picture data by coding the pictures on a picture-by-picture basis;

a first information generation unit (fig. 7, (113); [0074]) operable to generate sequence parameter set information that is a parameter group to be referenced for decoding all the pieces of the coded picture data;

a second information generation unit (fig. 7, (115); [0075]) operable to generate pieces of picture parameter set Information, each of which is a parameter group to be referenced for decoding each piece of the coded picture data;

a first storage unit (fig. 8A) operable to store the pieces of the coded picture data respectively into access units that constitute the random access unit;

a second storage unit (fig. 8A) operable to store the sequence parameter set information into a first access unit that is located at a head of the random access unit; and

a third storage unit (fig. 8A; fig. 8B; fig. 8D) operable to store each piece of the picture parameter set information into the first access unit of the random access unit or into an access unit in which a piece of the coded picture data that refers to the piece of the picture parameter set Information is stored.

Document **D2 discloses** (the references in parentheses applying to this document):

A picture coding apparatus which codes pictures on a picture-by-picture basis (fig. 2), and generates a random access unit (fig. 3A, (320)) as a part of a stream (fig. 3A), the random access unit including the coded pictures, said apparatus comprising:

a coding unit (fig. 2, (217)) operable to generate pieces of coded picture data by coding the pictures on a picture-by-picture basis;

a first information generation unit ([0046]) operable to generate sequence parameter set information that is a parameter group to be referenced for decoding all the pieces of the coded picture data;

a second Information generation unit ([0050]) operable to generate pieces of picture parameter set information, each of which is a parameter group to be referenced for decoding each piece of the coded picture data;

a first storage unit (fig. 2, (217); [0043]; [0046]) operable to store the pieces of the coded picture data respectively into access units that constitute the random access unit;

a second storage unit ((fig. 2, (217); [0043]; [0046])) operable to store the sequence parameter set information into a first access unit that is located at a head of the random access unit; and

a third storage unit (fig. 2, (244); [00550]; [0051]) operable to store each piece of the picture parameter set information into the first access unit of the random access unit or into an access unit in which a piece of the coded picture data that refers to the piece of the picture parameter set Information is stored.

**3 INDEPENDENT CLAIMS 6, 8, 9, 10, 12**

3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 6, 8, 9, 10, 12** is not new in the sense of Article 33(2) PCT.

Similar objections as put forward at paragraph 2.1 above applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claims 6, 8, 9, 10, 12.

**4 INDEPENDENT CLAIM 11**

4.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 11** is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A picture decoding method for obtaining, from a stream, a random access unit including pieces of coded pictures, each of which is stored in a respective access unit as a piece of the coded picture data ([0077]), said method comprising:

specifying a part of the pieces of the coded picture data to be decoded from the pieces of the coded picture data so as to specify a piece of the coded picture data stored in a first access unit that is located at a head of the random access unit ([0078]; fig. 8B);

obtaining, from the first access unit, sequence parameter set information that is a parameter group referenced for decoding all the pieces of the coded picture data ([0076]; [0077]);

obtaining picture parameter set information that is a parameter group referenced for decoding a piece of the coded picture data to be decoded, from the first access unit ([0081]) or an access unit in which the piece of the coded picture data to be decoded is stored; and

decoding the piece of the coded picture data to be decoded by referring to the sequence parameter set information and the picture parameter set information ([0099]).

## 5 INDEPENDENT CLAIM 13

5.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 13 is not new in the sense of Article 33(2) PCT.

Similar objections as put forward at paragraph 4.1 above applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claim 13.

**6 DEPENDENT CLAIMS 2-5, 7**

Dependent claims 2-5, 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).